

REMARKS

Claims 1 – 3, 6 – 26, 29 – 48, 51 – 68, 70 – 100 are pending in this application. Claim 69 was cancelled and claims 1, 20, 25, 47, 63, 67, 84, and 89 were amended. No new matter has been added. Support for the statement that the “tip section does not support the filler cone” is found in Figures 7 and 10. The specification and claims 20, 63 and 84 were amended to overcome the rejection under 35 U.S.C. 112. Support is found in the Teflon® product description sheet from Dupont. The allowability of claims 95-99 is acknowledged. In view of the foregoing amendments and following remarks, reconsideration of the application is respectfully requested.

Claims 1 – 3, 6 – 11, 15 – 26, 29 – 33, 37 – 46, 89 – 94 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manocha (5,595,486) in view of Kert (6,010,335) and Johnson (4,758,156). Claims 12 – 14, and 34 – 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manocha ‘486 in view of Kert (‘335) and Johnson ‘156 as applied to claim 11 above, and further in view of Goldberg (4,894,012). Claims 47, 48, 51 – 54, 58 – 65, 67 – 75, 79 – 87, and 89 – 93 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manocha ‘486 in view of Johnson ‘156. Claims 55 – 57 and 76 – 78 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manocha ‘486 in view of Johnson ‘156 as applied to claims 54 and 75 above, and further in view of Goldberg (4,894,012). Claims 66 and 88 were rejected under 35 U.S.C. 103(a) as being unpatentable over Manocha ‘486 in view of Johnson ‘156 as applied to claims 59 and 80 above, and further in view of Kert ‘335. The Examiner maintains the rejections as stated in the previous Office Action. The Examiner states that the arguments filed September 22, 2005 have been fully considered but are not persuasive. It is the Examiner opinion that the carrier in Manocha ‘486 is identified as numeral 12 and that the carrier does not extend the entire length of the filler cone. Moreover, the Examiner contends that it would have been an obvious matter of design choice to form the carrier so that it extends the full length of the filler cone, since such a modification would have involved a mere change in the size of a component. For the reasons set forth below, the rejection is respectfully traversed.

The claimed invention is directed to an endodontic post comprising a post section, the post section comprising a rigid endodontic section and a tip section; wherein the tip

section is a flexible carrier surrounded by a filler cone; wherein the tip section does not extend the length of the filler cone and does not support the filler cone; and wherein the tip section comprises one or more protrusions extending outwardly from the tip section for engaging the filler cone.

All of the references cited by the Examiner teach posts and obturators with carriers that extend the length of the filler material. This is not an obvious design choice, but is required to ensure that the filler cone is properly inserted into the canal. With many prior art obturators, the filling material must be supported by the carrier because the filling material may not be strong enough by itself to navigate the canal, or alternatively, may be too brittle and may break if it is not supported. Applicants found that the filling material was strong enough to navigate the canal without the support of the carrier and was also not too brittle to cause breakage during insertion. The filling material bonds well to the carrier such that it does not detach during insertion. In response to the Examiner's statement regarding Manocha '486, numeral 12 refers to the top end of carrier 10. Carrier 10 supports and extends the length of the filler material. It is unlike the claimed invention wherein the tip section does not extend the length of the filler cone and does not support the filler cone. None of the references teach, suggest, make obvious this design and notice to this affect is respectfully requested.

In summary, none of the cited references teach an obturation device having a tip section that is surrounded by the filler cone and wherein the tip section does not extend the length of the filler cone. This provides flexibility and ease of placement of the filler cone into the root. The filler cone easily bends to the contour of the root. The cited references do not show or suggest applicants' claimed invention and notice to this effect is respectfully requested.

Accordingly, it is believed that claims 1 – 3, 6 – 26, 29 – 48, 51 – 68, 70 – 100 specify patentable subject matter and are now in condition for allowance. Applicants therefore respectfully request favorable reconsideration and allowance of this application. The Examiner is requested to telephone applicants' attorney at the number listed below if it will advance the prosecution of this case. If necessary, the Examiner is authorized to charge further fees necessary to advance the prosecution in this case from Deposit Account No. 500718.

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Respectfully submitted,



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